

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CHRISTOPHER CASTAGNA and
GAVIN CASTAGNA,

Plaintiffs,

v.

DARAN EDWARDS, ANTHONY TROY,
JAY TULLY, KAMAU PRITCHARD,
MICHAEL BIZZOZERO, KEITH KAPLAN,
and HARRY JEAN, Individually,

Defendants.

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Civil Action No. 15-cv-14208-IT

SECOND AMENDED JUDGMENT

May 1, 2020

TALWANI, D.J.

In accordance with the verdict of the jury, the orders of this court, and the Judgment of the United States Court of Appeals for the First Circuit:

1. All claims by Plaintiffs Christopher Castagna and Gavin Castagna against Defendants Richard DeVoe, Jon-Michael Harber, Clifton Haynes, Gavin McHale, William Samaras, Stephen Smigliani, Donald Wightman, Jean Moise Acloque, Brendan Walsh, Gary Barker, and Terry Cotton are dismissed.
2. As to Defendant Daran Edwards:
 - a. Plaintiff Gavin Castagna's claim set forth in Count VIII (malicious prosecution) is dismissed;
 - b. Plaintiffs Christopher Castagna's and Gavin Castagna's claims set forth in Count III (M.G.L. c. §§ 11H and 11I), Count V (false imprisonment), and Count IX (intentional infliction of emotional distress) are dismissed;
 - c. Judgment is entered in favor of Defendant Daran Edwards as to Plaintiff Christopher Castagna's claims set forth in Count VI (assault and battery), Count VII (false arrest), and Count VIII (malicious prosecution)); and
 - d. Judgment is entered in favor of Defendant Daran Edwards as to all claims set forth in Count I (42 U.S.C. § 1983).

3. As to Defendant Keith Kaplan:

- a. Plaintiffs Christopher Castagna's and Gavin Castagna's claims set forth in Count III (M.G.L. c. §§ 11H and 11I), Count V (false imprisonment), and Count IX (intentional infliction of emotional distress) are dismissed;
- b. Judgment is entered in favor of Defendant Keith Kaplan as to Plaintiff Christopher Castagna's claims set forth in Count VI (assault and battery), Count VII (false arrest), and Count VIII (malicious prosecution)), and as to Plaintiff Gavin Castagna's claim set forth in Count VIII (malicious prosecution)); and
- c. Judgment is entered in favor of Defendant Keith Kaplan as to all claims set forth in Count I (42 U.S.C. § 1983).

4. As to Defendant Harry Jean:

- a. Plaintiff Gavin Castagna's claim set forth in Count VIII (malicious prosecution) is dismissed;
- b. Plaintiffs Christopher Castagna's and Gavin Castagna's claims set forth in Count III (M.G.L. c. §§ 11H and 11I), Count V (false imprisonment), and Count IX (intentional infliction of emotional distress) are dismissed;
- c. Judgment is entered in favor of Defendant Harry Jean as to Plaintiff Christopher Castagna's claims set forth in Count VI (assault and battery), Count VII (false arrest), and Count VIII (malicious prosecution)); and
- d. Judgment is entered in favor of Defendant Harry Jean as to all claims set forth in Count I (42 U.S.C. § 1983).

5. As to Defendant Anthony Troy:

- a. Plaintiff Christopher Castagna's claim set forth in Count VIII (malicious prosecution) is dismissed;
- b. Plaintiffs Christopher Castagna's and Gavin Castagna's claims set forth in Count III (M.G.L. c. §§ 11H and 11I), Count V (false imprisonment), and Count IX (intentional infliction of emotional distress) are dismissed; and
- c. Judgment is entered in favor of Defendant Anthony Troy as to all remaining claims asserted by Plaintiff Christopher Castagna (Count I (42 U.S.C. § 1983), Count VI (assault and battery), and Count VII (false arrest)), and by Plaintiff Gavin Castagna (Count I (42 U.S.C. § 1983), Count VI (assault and battery), Count VII (false arrest), and Count VIII (malicious prosecution)).

6. As to Defendant Jay Tully:

- a. Plaintiff Christopher Castagna's claim set forth in Count VIII (malicious prosecution) is dismissed;
- b. Plaintiffs Christopher Castagna's and Gavin Castagna's claims set forth in Count III (M.G.L. c. §§ 11H and 11I), Count V (false imprisonment), and Count IX (intentional infliction of emotional distress) are dismissed; and
- c. Judgment is entered in favor of Defendant Jay Tully as to all remaining claims asserted by Plaintiff Christopher Castagna (Count I (42 U.S.C. § 1983), Count VI (assault and battery), and Count VII (false arrest)), and by Plaintiff Gavin Castagna (Count I (42 U.S.C. § 1983), Count VI (assault and battery), Count VII (false arrest), and Count VIII (malicious prosecution)).

7. As to Defendant Kamau Pritchard:

- a. Plaintiff Christopher Castagna's claim set forth in Count VIII (malicious prosecution) is dismissed;
- b. Plaintiffs Christopher Castagna's and Gavin Castagna's claims set forth in Count III (M.G.L. c. §§ 11H and 11I), Count V (false imprisonment), and Count IX (intentional infliction of emotional distress) are dismissed; and
- c. Judgment is entered in favor of Defendant Kamau Pritchard as to all remaining claims asserted by Plaintiff Christopher Castagna (Count I (42 U.S.C. § 1983), Count VI (assault and battery), and Count VII in (false arrest)), and by Plaintiff Gavin Castagna (Count I (42 U.S.C. § 1983), Count VI (assault and battery), Count VII in (false arrest), and Count VIII (malicious prosecution)).

8. As to Defendant Michael Bizzozero:

- a. Plaintiff Gavin Castagna's claim set forth in Count VIII (malicious prosecution) is dismissed;
- b. Plaintiffs Christopher Castagna's and Gavin Castagna's claims set forth in Count III (M.G.L. c. §§ 11H and 11I), Count V (false imprisonment), and Count IX (intentional infliction of emotional distress) are dismissed; and
- c. Judgment is entered in favor of Defendant Michael Bizzozero as to all remaining claims asserted by Plaintiff Christopher Castagna (Count I (42 U.S.C. § 1983), Count VI (assault

and battery), Count VII (false arrest), and Count VIII (malicious prosecution)), and by Plaintiff Gavin Castagna (Count I (42 U.S.C. § 1983)).

IT IS SO ORDERED.

Date: May 1, 2020

/s/ Indira Talwani
United States District Judge